

BOARD OF SUPERVISORS

MINUTES

January 28, 2004

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Major David Hutton,
Sheriff's Office
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. Mike Mabe, Dir.,
Libraries
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. Francis Pitaro, Dir.,
General Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services

Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development

Mr. Miller called the regularly scheduled meeting to order at 3:34 p.m.

1. APPROVAL OF MINUTES FOR JANUARY 14, 2004

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the minutes of January 14, 2004, as submitted.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

o **DISTINGUISHED BUDGET PRESENTATION AWARD**

Mr. Ramsey commended Ms. Dickson and staff of the Budget and Management Department upon being awarded the Distinguished Budget Presentation Award by the Government Finance Officers Association of the United States and Canada (GFOA) for the 20th consecutive year.

3. BOARD COMMITTEE REPORTS

Mr. King stated he believes that managing growth and increasing business in the county is the only way to assure citizens the balance and the services they deserve. He offered the Board a challenge to agree on the problems facing the county, set goals, make them public and work to achieve them. He stated he does not believe the ratio of business to residential growth is occurring properly, and he thinks the Board should do everything legally possible to maintain a healthy growth rate without jeopardizing the local economy. He further stated he would like to see the board, under Mr. Miller's chairmanship, utilize creative partnerships with the county's business community, the Historical Society and its citizens to place Chesterfield County in the lead.

Mr. Warren stated he attended the grand opening of Richmond Indoor Sports Experience, a large indoor soccer complex that was built with private funding. He noted this is an excellent example of a citizen partnership addressing a need in the county.

Mrs. Humphrey stated the organization that built the soccer facility received a small business loan from the Crater Planning District Commission. She noted this is the first time Crater has partnered with a family-oriented regional business.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board added Item 5.C., Resolution Recognizing Mr. Vincent Keith Fisher, Department of General Services, Upon His Retirement;

added Item 10.D., Closed Session Pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, As Amended, for Consultation with Legal Counsel Pertaining to Actual Litigation in the Case of Amanda Padula Wilson, et al. v. Board of Supervisors of Chesterfield County; and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING DR. FRANK DARPLI, MENTAL HEALTH/MENTAL RETARDATION/SUBSTANCE ABUSE DEPARTMENT, UPON HIS RETIREMENT

Mr. Braunstein introduced Dr. Frank Darpli who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Dr. Frank Darpli will retire on February 1, 2004 after providing 30 years of dedicated and faithful service to Chesterfield County; and

WHEREAS, Dr. Darpli began his career with the Chesterfield County Department of Mental Health, Mental Retardation, and Substance Abuse in January 1974 as Director of Adult Services; and

WHEREAS, Dr. Darpli performed admirably in various leadership positions, including Mental Health Program Evaluator, Director of Information Systems, and Manager of Psychiatric Rehabilitation Services; and

WHEREAS, Dr. Darpli pioneered the development of community-based mental health and substance abuse services in Chesterfield County and innovative programs such as a novel Intensive Supported Residential Service which successfully reduced state hospital utilization; and

WHEREAS, Dr. Darpli developed and successfully implemented the department's first automated Management Information System, the foundations of which are still being used to date; and

WHEREAS, Dr. Darpli provided outstanding leadership to help create a comprehensive, fully integrated Psychiatric Rehabilitation Services System for adults with serious mental illness; and

WHEREAS, Dr. Darpli served as the founding President of the nationwide CMHC Systems User's Group, leading efforts to develop state-of-the-art software for the Mental Health, Mental Retardation, and Substance Abuse field; and

WHEREAS, Dr. Darpli will be sorely missed for his professional contributions as a champion for the rights and dignity and service needs of adults with severe mental illness and for his commitment to high quality mental health, mental retardation, and substance abuse services to our citizens.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of January 2004, publicly recognizes the contributions of Dr. Frank Darpli, extends appreciation for his 30 years of dedicated service to the county, and offers congratulations and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Dr. Darpli, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Miller presented the executed resolution and a Jefferson Cup to Dr. Darpli, accompanied by Mr. Braunstein, expressed appreciation for his dedicated service, and wished him a long and happy retirement.

Dr. Darpli stated it has been an honor to serve the citizens of Chesterfield County for 30 years. He expressed appreciation for the exemplary support the Board has provided for citizens with mental disabilities and urged the Board to continue its support and to find ways to help these people lead productive lives as citizens in the community.

5.B. RECOGNIZING MASTER OFFICER ROBERTO J. LOPEZ, POLICE DEPARTMENT, UPON HIS RETIREMENT

Colonel Baker introduced Mr. Roberto J. Lopez who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Master Police Officer Roberto J. Lopez will retire from the Chesterfield County Police Department on February 1, 2004, after providing 25 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Officer Lopez has faithfully served the county in the capacity of Patrol Officer, Investigator, Senior Police Officer and Master Police Officer; and

WHEREAS, Officer Lopez is a 1998 graduate of Chesterfield County's TQI University; and

WHEREAS, Officer Lopez served as a member of the Police Quality Council from 1998 through 2000; and

WHEREAS, Officer Lopez has assisted the Department of Motor Vehicles in an undercover capacity in two separate incidents, which resulted in arrest and criminal convictions; and

WHEREAS, Officer Lopez has served the department as a valuable resource as a Spanish translator in literally hundreds of incidents throughout the county; and

WHEREAS, Officer Lopez served the Hispanic Committee by participation in the Hispanic Heritage Month celebration; and

WHEREAS, Officer Lopez has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Officer Lopez has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Officer Lopez's diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of January 2004, publicly recognizes Master Police Officer Roberto J. Lopez, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Officer Lopez, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution and a Jefferson Cup to Mr. Lopez, accompanied by his wife and Colonel Baker, expressed appreciation for his dedicated service, and wished him a long and happy retirement.

Colonel Baker expressed appreciation to Mr. Lopez for the outstanding assistance he provided in many major investigations.

Mr. Lopez stated it has been an enjoyable experience working for the Chesterfield Police Department.

5.C. RECOGNIZING MR. VINCENT KEITH FISHER, DEPARTMENT OF GENERAL SERVICES, UPON HIS RETIREMENT

Mr. Pitaro introduced Mr. Vincent Fisher who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Vincent Keith Fisher joined the county on August 3, 1976 in what was then called the county Sanitation Division; and

WHEREAS, Mr. Fisher provided exemplary service to the customers on his route throughout his 27 years of service; and

WHEREAS, Mr. Fisher has furthered the county's recycling efforts by collecting tons of used paper from the various county facilities and schools; and

WHEREAS, Mr. Fisher has worked during adverse weather conditions to plow roads and clear walkways for citizens and employees; and

WHEREAS, Mr. Fisher has served as a member of the Employee Advisory Committee for the General Services Department; and

WHEREAS, Mr. Fisher has frequently volunteered to help with various neighborhood clean-up efforts and has always been willing to do whatever was required to make the county a better community; and

WHEREAS, Mr. Fisher was always a team player and could be counted on to do more than his fair share; and

WHEREAS, the Waste and Resource Recovery Division enjoys a high degree of customer satisfaction due to the customer service efforts of Mr. Fisher.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of January 2004, publicly recognizes Mr. Vincent Keith Fisher; expresses sincere gratitude and appreciation for his years of service to the citizens of the county and his dedication to excellent customer service; and extends congratulations on his retirement and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Fisher and that this resolution be permanently recorded among the papers of the Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution and a Jefferson Cup to Mr. Fisher, accompanied by members of his family, Mr. Charles Dane and Mr. Howard Heltman, expressed appreciation for his dedicated service, and wished him a long and happy retirement.

Mr. Dane stated Mr. Fisher will be sorely missed by the county.

Mr. Heltman expressed appreciation to Mr. Fisher for his many years of behind-the-scenes work to assist the citizens of the county.

Mr. Fisher stated he has enjoyed working for Chesterfield County.

Mr. Ramsey stated Colonel Horace Mann was scheduled to make a presentation to the Board, but was unable to be present due to the death of Mrs. Lucille Moseley, former Director of the Historical Society.

6. WORK SESSION

O PROPOSED FY2005-2010 CAPITAL IMPROVEMENT PROGRAM

Mr. Jay Payne, Budget Manager, presented an overview of the proposed FY2005-2010 Capital Improvement Program (CIP), which identifies projects proposed for a referendum in the fall of 2004. He reviewed a comparison of debt ratio and debt service expenditures and the composition of the proposed CIP, totaling \$569,358,300. He reviewed proposed CIP county only revenue and expenditure summaries, as well as the county CIP summary. He provided data relative to past bond referenda. He then reviewed details of the proposed referendum projects for Libraries, Public Safety and Parks and Recreation. He presented a schedule for referendum planning.

Mr. Miller thanked Mr. Payne for the informative presentation.

Mr. Ramsey stated staff looks forward to working with Board members to address any suggested changes they may have to the proposed CIP.

Discussion ensued relative to the county's commitment to The Diamond.

Mr. Miller stated he wants to revisit the proposed funding for The Diamond and requested that this issue be added to the February 11, 2004 agenda for discussion.

Mrs. Humphrey stated she agrees with Mr. Miller and feels a separate discussion should be held for funding of The Diamond. She also requested that staff provide the Board with details of which park projects are considered reinvestment in old parks, expansion of old parks, or investment in new parks.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. STREETLIGHT INSTALLATION COST APPROVALS

Mr. Warren expressed concerns relative to the cost of streetlights in the Surreywood Subdivision.

Mr. McElfish stated a lot of underground work is necessary to provide streetlights in older subdivisions, which increases the cost.

Mr. Warren stated the Surreywood requests meet the Board's criteria for approval and will provide lighting for children waiting for school buses early in the morning.

On motion of Mr. King, seconded by Mr. Warren, the Board approved the following streetlight requests:

Bermuda District

- o In the Villas at Rivers Bend Subdivision
Villas Drive, vicinity of 12330
Cost to install streetlight: \$901.10
- o At the intersection of Centralia Road and Patromdale
Drive, upgrade the existing lamp to standard 8000
Lumen Enclosed Fixture
Cost to install streetlight: \$360.71

Clover Hill District

- o In the Surreywood Subdivision

At the intersection of Surreywood Drive and
Surreywood Court
Cost to install streetlight: \$4,398.66

At the intersection of Lancashire Drive and
Lancashire Court
Cost to install streetlight: \$6,374.06

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board suspended its rules at this time to allow simultaneous nomination/appointment of members to serve on the Towing Advisory Board, Richmond Regional Planning District Commission, Committee on the Future, Parks and Recreation Advisory Commission, Disability Services Board, Community Services Board and the Solid Waste Advisory Committee.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.1. TOWING ADVISORY BOARD

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed/reappointed Mr. Ray Cullop, Mr. Fred Key, Mr. Ronnie Waters, Mr. Doug Conner, Sgt. David Deringer and Officer Howard Barnes to serve on the Towing Advisory Board, whose terms will be at the pleasure of the Board.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.2. RICHMOND REGIONAL PLANNING DISTRICT COMMISSION

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed Mr. Sherman Litton to serve on the Richmond Regional Planning District Commission, whose term is effective January 1, 2004 and expires December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.3. BERMUDA DISTRICT APPOINTMENTS

On motion of Mr. King, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Mr. Jim Morris, representing the Bermuda District, to serve on the Committee on the Future, who will serve at the pleasure of the Board.

And, further, the Board simultaneously nominated/appointed/reappointed Mr. Tim Mick and Mr. Jack Griffin, representing the Bermuda District, to serve on the Parks and Recreation Advisory Commission, whose terms are effective January 1, 2004 and expire December 31, 2006.

And, further, the Board simultaneously nominated/reappointed Reverend Clarence Martin, representing the Bermuda District, to serve on the Disability Services Board, whose term is effective January 1, 2004 and expires December 31, 2006.

And, further, the Board simultaneously nominated/appointed Reverend Charles Clubb, representing the Bermuda District, to serve on the Disability Services Board, whose term is effective immediately and expires December 31, 2005. (It is noted Reverend Clubb will fill the unexpired term of Ms. Debra Boykins.)

And, further, the Board simultaneously nominated/appointed Ms. Shirley M. Cole, representing the Bermuda District, to serve on the Community Services Board, whose term is effective January 1, 2004 and expires December 31, 2006.

And, further, the Board simultaneously nominated/appointed Mr. Mike Williams, representing the Bermuda District, to serve on the Solid Waste Advisory Committee, whose term is effective January 1, 2004 and expires December 31, 2006.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C. CONSENT ITEMS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board removed the following items from the Consent Agenda for public comment: Item 8.C.10., Execute the Special Project Service Agreement First Addendum for Residential Recycling Services with the Central Virginia Waste Management Authority (CVWMA) to Extend the Contract with Tidewater Fibre Corporation for Residential Recycling Services for Chesterfield County Through June 30, 2009; and Item 8.C.12., Transfer of Bermuda District Improvement Funds.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.1. ADOPTION OF RESOLUTIONS

8.C.1.a. RECOGNIZING CLOVER HILL BAPTIST CHURCH FOR THIRTY-FIVE YEARS OF MINISTRY AND THE FAITHFUL SERVICE OF REVEREND CALVIN EAVES

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, plans for the formation of a new, Independent Baptist congregation took shape in September 1968 when a group of faithful people met at a building that formerly housed a cabinet shop, near the entrance to what is now the Brandermill community; and

WHEREAS, on November 24, 1968, Calvin T. Eaves, Sr. became the pastor of the new church; and

WHEREAS, on Sunday, February 9, 1969, church officers were elected, a constitution was adopted and charter members signed the register; and

WHEREAS, the church voted to purchase a 10-acre tract of land on Courthouse Road; and

WHEREAS, in April 1971, the permanent name of Clover Hill Baptist Church was selected and building plans were adopted; and

WHEREAS, a bond program was launched and a groundbreaking ceremony was held, leading to construction of a new building that was occupied on March 26, 1972 and formally dedicated on Easter Sunday, April 2, 1972; and

WHEREAS, the church continued to grow, with the addition of a two-story educational building first occupied in the spring of 1974, and a bus garage in 1975 to support the growing bus ministry; and

WHEREAS, the church assumed ownership of Richmond Christian School and its properties on Newby's Bridge Road on May 12, 1976 and later moved to the Gill School property on Belmont Road in 1983, and the school has a current enrollment of over 500 students; and

WHEREAS, the Cloverland Day Care program was added in 1978; a television ministry was begun in 1982; and the church purchased the Gill School property on Belmont Road in 1983; and

WHEREAS, the church now owns more than 120 acres on three sites and has an operating budget of approximately \$3.5 million; and

WHEREAS, through all of this growth, Reverend Calvin Eaves, with the able and committed assistance of many others in the church, guided the church to ever expanded ministries; and

WHEREAS, Reverend Eaves has announced his intention to retire as pastor effective February 1, 2004; and

WHEREAS, for 35 years, the church has had a significant, positive impact on the surrounding communities, and on Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, on behalf of the citizens of Chesterfield County, extends its best wishes to the Clover Hill Baptist Church on the occasion of its 35th anniversary; offers its sincere appreciation to Reverend Calvin T. Eaves, Sr., for his long and dedicated service; and wishes him continued success and happiness in all his endeavors.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.C.1.b. RECOGNIZING MASTER OFFICER WILLIAM M. JONES, POLICE DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Master Police Officer William M. Jones will retire from the Chesterfield County Police Department on February 1, 2004, after providing 27 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Officer Jones has faithfully served the county in the capacity of Sheriff's Deputy, Patrol Officer, Senior Police Officer, and Master Police Officer; and

WHEREAS, Officer Jones was instrumental in ensuring a smooth transition and minimal disruption to operations when South District Operations moved to the new Chester Police Station; his efforts involved working long tedious hours beyond his normal required duties, not only working on operational issues, but performing difficult manual labor such as erecting evidence lockers, setting up the roll call room, work room, storage closets, etcetera; and because of his personal drive, commitment and unselfish work ethic, the station was quickly brought up to speed as a functional facility, capable of providing excellent customer service; and

WHEREAS, Officer Jones also worked hard to prepare the station for the grand opening ceremonies, which was a successful program that represented the department well; and

WHEREAS, Officer Jones, in his assignment as a desk officer, has rendered considerable helpful information and guidance to thousands of Chesterfield County citizens; and

WHEREAS, Officer Jones has received numerous letters of thanks and appreciation for assistance rendered in all types of situations; and

WHEREAS, Officer Jones has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Officer Jones' diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Master Police Officer William M. Jones, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.C.2. SET DATES FOR PUBLIC HEARINGS

8.C.2.a. TO CONSIDER CONVEYANCE OF SURPLUS COUNTY PROPERTY ON RIVERS BEND BOULEVARD AND AUTHORIZE FAMILY TIME COURTHOUSE, LLC TO APPLY FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PLANNED DEVELOPMENT (95SN0109)

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board set the date of February 11, 2004 at 7:00 p.m. for a public hearing to consider the sale of surplus property to Family Time Courthouse, LLC; authorized Family Time Courthouse, LLC to apply for an amendment to an existing Conditional Use Planned Development (95SN0109); and authorized the County Administrator to execute the necessary documents.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.3. APPROVAL OF FY2004 SCHOOL BOARD CAPITAL IMPROVEMENT PLAN MID-YEAR REVISIONS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board increased the appropriation in the School Capital Improvements fund by \$338,800 by appropriating \$365,000 of School non-Federal Food Service fund balance; returning \$26,200 to the School Federal Food Service fund balance; and authorizing transfers among projects as outlined in the papers of this Board.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.4. APPROPRIATION OF STATE REGIONAL REINVESTMENT FUNDS FOR THE COMMUNITY SERVICES BOARD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board appropriated \$149,057 in state funds and created three full time positions (psychiatric nurse, case manager and counselor) to enhance the Community Services Board's Psychological Rehabilitation Service.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.5. DESIGNATION OF RIGHTS OF WAY AT COURTHOUSE COMPLEX

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board designated rights of way for Government Center Parkway and Mimms Drive and authorized the County Administrator to execute the necessary Declaration. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.6. ACCEPTANCE OF A PARCEL OF LAND ALONG THE WEST RIGHT OF WAY LINE OF OTTERDALE ROAD FROM VIRGINIA S. GOBBLE

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 0.128 acres along the west right of way line of Otterdale Road (State Route 667) from Virginia S. Gobble, and authorized the County Administrator to execute the deed. (It is noted the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.7. REQUESTS TO QUITCLAIM

8.C.7.a. A PORTION OF A TWENTY-FOOT STORM WATER MANAGEMENT/BEST MANAGEMENT PRACTICE EASEMENT ACROSS THE PROPERTY OF SELECTED INVESTMENT HOLDINGS, L.L.C.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 20-foot storm water management/best management practice easement across the property of Selected Investment Holdings, L.L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.7.b. A PORTION OF A SIXTEEN-FOOT WATER EASEMENT AND A PORTION OF A SIXTEEN-FOOT SEWER EASEMENT ACROSS THE PROPERTY OF KATHERMAN INVESTMENTS, INCORPORATED

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a 16-foot water easement and a portion of a 16-foot sewer easement across the property of Katherman Investments, Incorporated. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C.8. STATE ROAD ACCEPTANCE

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Ashbrook, Section 12**

● **Twisted Cedar Drive, State Route Number: 5650**

From: Willow Walk Dr., (Rt. 5648)

To: Twisted Cedar Pl., (Rt. 5651), a distance of: 0.06 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg. 82, with a width of 50 Ft.

● **Twisted Cedar Drive, State Route Number: 5650**

From: Twisted Cedar Pl., (Rt. 5651)

To: 0.03 Mi. W of Twisted Cedar Pl., (Rt. 5651), a distance of: 0.03 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg. 82, with a width of 50 Ft.

● **Twisted Cedar Place, State Route Number: 5651**

From: Twisted Cedar Dr., (Rt. 5650)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg. 82, with a width of 40 Ft.

● **Willow Walk Drive, State Route Number: 5648**

From: Featherchase Dr., (Rt. 4215)

To: Winding Ash Dr., (Rt. 4219), a distance of: 0.05 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg. 82, with a width of 40 Ft.

● **Willow Walk Drive, State Route Number: 5648**

From: Winding Ash Dr., (Rt. 4219)

To: Twisted Cedar Dr., (Rt. 5650), a distance of: 0.19 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg. 82, with a width of 50 Ft.

● **Willow Walk Drive, State Route Number: 5648**

From: Twisted Cedar Dr., (Rt. 5650)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg. 82, with a width of 40 Ft.

● **Winding Ash Court, State Route Number: 5649**

From: Winding Ash Dr., (Rt. 4219)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg. 82, with a width of 40 Ft.

● **Winding Ash Drive, State Route Number: 4219**

From: Willow Walk Dr., (Rt. 5648)

To: 0.02 Mi. W of Falling Hill Tr., (Rt. 5391), a distance of: 0.07 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg. 82, with a width of 50 Ft.

● **Winding Ash Drive, State Route Number: 4219**

From: Willow Walk Dr., (Rt. 5648)

To: Winding Ash Ct., (Rt. 5649), a distance of: 0.07 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg. 82, with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Village @ Swift Creek, Phase I**

● **Brad McNeer Parkway, State Route Number: 5655**

From: Hull Street Rd., (Rt. 360)

To: Craig Rath Blvd., (Rt. 5656), a distance of: 0.24 miles.

Right-of-way record was filed on 9/6/2002 with the Office Of Clerk To Circuit Court in Db.4711; pg. 442,
with a width of Variable

● **Brad McNeer Parkway, State Route Number: 5655**

From: Craig Rath Blvd., (Rt. 5656)

To: 0.45 Mi. S of Craig Rath Blvd., (Rt. 5656), a distance of: 0.45 miles.

Right-of-way record was filed on 9/6/2002 with the Office Of Clerk To Circuit Court in Db.4711; pg. 442,
with a width of 90 Ft.

● **Craig Rath Boulevard, State Route Number: 5656**

From: Hull Street Rd., (Rt. 360)

To: Brad McNeer Py., (Rt. 5655), a distance of: 0.62 miles.

Right-of-way record was filed on 9/6/2002 with the Office Of Clerk To Circuit Court in Db.4711; pg. 442,
with a width of Variable

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Village @ Swift Creek, Phase I I**

● **Brad Mc Neer Parkway, State Route Number: 5655**

From: 0.45 Mi. S of Craig Rath Blvd., (Rt. 5656)
To: Commonwealth Center Pkwy., (Rt. 754), a distance of: 0.23 miles.

Right-of-way record was filed on 9/29/1998 with the Office Of Clerk To Circuit Court in Db. 3386 Pg. 221,
with a width of Variable

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

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AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Cameron Bay, Section A**

● **Cameron Bay Drive, State Route Number: 5633**

From: Bailey Bridge Rd., (Rt. 654)
To: Cameron Bridge Dr., (Rt. 5634), a distance of: 0.12 miles.

Right-of-way record was filed on 8/9/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg.54, with
a width of 60 Ft.

● **Cameron Bridge Court, State Route Number: 5636**

From: Cameron Bridge Dr., (Rt. 5634)
To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 8/9/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg.54, with
a width of 40 Ft.

● **Cameron Bridge Drive, State Route Number: 5634**

From: Cameron Bay Dr., (Rt. 5633)

To: Cameron Bridge Pl., (Rt. 5635), a distance of: 0.10 miles.

Right-of-way record was filed on 8/9/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg.54, with
a width of 44 Ft.

● Cameron Bridge Drive, State Route Number: 5634

From: Cameron Bridge Pl., (Rt. 5635)

To: Cameron Bridge Ct., (Rt. 5636), a distance of: 0.05 miles.

Right-of-way record was filed on 8/9/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg.54, with
a width of 44 Ft.

● Cameron Bridge Drive, State Route Number: 5634

From: Cameron Bridge Ct., (Rt. 5636)

To: 0.11 Mi. NW of Cameron Bridge Ct., (Rt. 5636), a distance of: 0.11 miles.

Right-of-way record was filed on 8/9/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg.54, with
a width of 44 Ft.

● Cameron Bridge Place, State Route Number: 5635

From: Cameron Bridge Dr., (Rt. 5634)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 8/9/2002 with the Office Of Clerk To Circuit Court in Pb.128; Pg.54, with
a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

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AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Foxfire, Section 5

● **Fox Light Terrace, State Route Number: 5632**

From: Fox Light Pl., (Rt. 5631)

To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 9/20/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg.6, with a width of 40 Ft.

● **Fox Light Terrace, State Route Number: 5632**

From: Fox Light Pl., (Rt. 5631)

To: Cul-de-sac, a distance of: 0.20 miles.

Right-of-way record was filed on 9/20/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg.6, with a width of 40 Ft.

● **Fox Light Place, State Route Number: 5631**

From: Fox Light Pky., (Rt. 5534)

To: Fox Light Tr., (Rt. 5632), a distance of: 0.06 miles.

Right-of-way record was filed on 9/20/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg.6, with a width of 44 Ft.

● **Fox Light Place, State Route Number: 5631**

From: Fox Light Tr., (Rt. 5632)

To: Cul-de-sac, a distance of: 0.14 miles.

Right-of-way record was filed on 9/20/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg.6, with a width of 44 Ft.

And, further, the Board adopted the following resolution:

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AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Hampton Park, Section 10

● **Hampton Meadows Cove, State Route Number: 5673**

From: Hampton Meadows Tr., (Rt. 5672)

To: Hampton Meadows Tr., (Rt. 5672), a distance of: 0.04 miles.

Right-of-way record was filed on 10/12/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg.16,
with a width of 40 Ft.

● **Hampton Meadows Terrace, State Route Number: 5672**

From: Hampton Meadows Ln., (Rt. 4645)

To: Hampton Meadows Cv., (Rt. 5673), a distance of: 0.12 miles.

Right-of-way record was filed on 10/12/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg.16,
with a width of 40 Ft.

● **Hampton Meadows Terrace, State Route Number: 5672**

From: Hampton Meadows Cv., (Rt. 5673)

To: Hampton Meadows Cv., (Rt. 5673), a distance of: 0.03 miles.

Right-of-way record was filed on 10/12/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg.16,
with a width of 40 Ft.

● **Hampton Meadows Terrace, State Route Number: 5672**

From: Hampton Meadows Cv., (Rt. 5673)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 10/12/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg.16,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

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Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Hampton Park, Section 13**

● **Hampton Colony Court, State Route Number: 5676**

From: Hampton Colony Wy., (Rt. 5675)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 12/10/2001 with the Office Of Clerk To Circuit Court in Pb.122; Pg.36,
with a width of 40 Ft.

● **Hampton Colony Court, State Route Number: 5676**

From: Hampton Colony Wy., (Rt. 5675)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 12/10/2001 with the Office Of Clerk To Circuit Court in Pb.122; Pg.36,
with a width of 40 Ft.

● **Hampton Colony Way, State Route Number: 5675**

From: Hampton Springs Rd., (Rt. 5674)

To: Hampton Colony Ct., (Rt. 5676), a distance of: 0.10 miles.

Right-of-way record was filed on 12/10/2001 with the Office Of Clerk To Circuit Court in Pb.122; Pg.36,
with a width of 40 Ft.

● **Hampton Springs Road, State Route Number: 5674**

From: Hampton Green Dr., (Rt. 5383)

To: Hampton Colony Wy., (Rt. 5675), a distance of: 0.13 miles.

Right-of-way record was filed on 12/10/2001 with the Office Of Clerk To Circuit Court in Pb.122; Pg.36,
with a width of 40 Ft.

● **Hampton Springs Road, State Route Number: 5674**

From: Hampton Colony Wy., (Rt. 5675)

To: Cul-de-sac, a distance of: 0.02 miles.

Right-of-way record was filed on 12/10/2001 with the Office Of Clerk To Circuit Court in Pb.122; Pg.36,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

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Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Hampton Park, Section 15**

● **Hampton Bluff Terrace, State Route Number: 5653**

From: Hampton Bluff TL., (Rt. 5652)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 10/12/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg. 18,
with a width of 40 Ft.

● **Hampton Bluff Terrace, State Route Number: 5653**

From: Hampton Bluff TL., (Rt. 5652)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 10/12/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg. 18,
with a width of 40 Ft.

● **Hampton Bluff Trail, State Route Number: 5652**

From: Hampton Green Dr., (Rt. 5383)

To: Hampton Bluff Tr., (Rt. 5653), a distance of: 0.07 miles.

Right-of-way record was filed on 10/12/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg. 18,
with a width of 40 Ft.

● **Hampton Green Drive, State Route Number: 5383**

From: 0.07 Mi. S of Hampton Meadows Ln, (Rt. 4645)

To: Hampton Bluff TL., (Rt. 5652), a distance of: 0.01 miles.

Right-of-way record was filed on 10/12/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg. 18,
with a width of 40 Ft.

● **Hampton Green Drive, State Route Number: 5383**

From: Hampton Bluff TL., (Rt. 5652)

To: 0.01 Mi. S of Hampton Bluff TL., (Rt. 5652), a distance of: 0.01 miles.

Right-of-way record was filed on 10/12/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg. 18,
with a width of 40 Ft.

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Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Summer Lake, Section 1**

● **Jaydee Place, State Route Number: 5665**

From: Jaydee Dr., (Rt. 5664)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 40 Ft.

● **Jaydee Drive, State Route Number: 5664**

From: Lake Summer Dr., (Rt. 5657)

To: Jaydee Pl., (Rt. 5665), a distance of: 0.06 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 44 Ft.

● **Jaydee Drive, State Route Number: 5664**

From: Jaydee Pl., (Rt. 5665)

To: 0.06 Mi. S of Jaydee Pl., (Rt. 5665), a distance of: 0.06 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 44 Ft.

● **Lake Summer Court, State Route Number: 5660**

From: Lake Summer Dr., (Rt. 5657)

To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 40 Ft.

● **Lake Summer Drive, State Route Number: 5657**

From: Otterdale Rd., (Rt. 667)

To: Lake Summer Pl., (Rt. 5658) & Lake Summer Tn., (Rt. 5659), a distance of: 0.05 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 80 Ft.

● **Lake Summer Drive, State Route Number: 5657**

From: Lake Summer Pl., (Rt. 5658) & Lake Summer Tn., (Rt. 5659)

To: Lake Summer Ct., (Rt. 5660) & Starlee Dr., (Rt. 5661), a distance of: 0.09 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of Variable

● **Lake Summer Drive, State Route Number: 5657**

From: Lake Summer Ct., (Rt. 5660) & Starlee Dr., (Rt. 5661)

To: Lake Summer Tr., (Rt. 5663) & Jaydee Dr., (Rt. 5664), a distance of: 0.08 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 50 Ft.

● **Lake Summer Drive, State Route Number: 5657**

From: Lake Summer Tr., (Rt. 5663) & Jaydee Dr., (Rt. 5664)

To: 0.02 Mi. W of Lake Summer Tr., (Rt. 5663) & Jaydee Dr., (Rt. 5664), a distance of: 0.02 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 50 Ft.

● **Lake Summer Place, State Route Number: 5658**

From: Lake Summer Dr., (Rt. 5657)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 40 Ft.

● **Lake Summer Terrace, State Route Number: 5663**

From: Lake Summer Dr., (Rt. 5657)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 40 Ft.

● **Lake Summer Turn, State Route Number: 5659**

From: Lake Summer Dr., (Rt. 5657)

To: 0.02 Mi. S of Lake Summer Dr., (Rt. 5657), a distance of: 0.02 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with a width of 40 Ft.

● **Starlee Court, State Route Number: 5662**

From: Starlee Dr., (Rt. 5661)
To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with
a width of 40 Ft.

● **Starlee Drive, State Route Number: 5661**

From: Lake Summer Dr., (Rt. 5657)
To: Starlee Ct., (Rt. 5662), a distance of: 0.06 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with
a width of 40 Ft.

● **Starlee Drive, State Route Number: 5661**

From: Starlee Ct., (Rt. 5662)
To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 2/15/2002 with the Office Of Clerk To Circuit Court in Pb.124; Pg.3, with
a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

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AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Watermill Parkway, Phase 2**

● **North Woolridge Rd., State Route Number: 668**

From: Genito Rd., (Rt. 604)
To: 0.30 Mi. N. of Genito Rd., (Rt. 604), a distance of: 0.30 miles.

Right-of-way record was filed on 4/29/2002 with the Office Of Clerk To Circuit Court in Db.4504; Pg. 489,
with a width of Variable
Right-of-way record was filed on 5/22/2002 with the Office Of Clerk To Circuit Court in Db.4536; Pg. 12,
with a width of Variable
Right-of-way record was filed on 4/2/1999 with the Office Of Clerk To Circuit Court in Db.3534; Pg. 873,
with a width of Variable
Right-of-way record was filed on 12/27/2002 with the Office Of Clerk To Circuit Court in Db.4839; Pg. 216,
with a width of Variable

● **Watermill Parkway, State Route Number: 5583**

From: N. Woolridge Rd., (Rt. 668) 0.30 Mi. N of Genito Rd., (Rt. 604)

To: Water House Dr., (Rt. 5589), a distance of: 1.13 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb. 113; Pg. 43,
with a width of 70 Ft.
Right-of-way record was filed on 4/29/2002 with the Office Of Clerk To Circuit Court in Db.4504; Pg. 489,
with a width of Variable
Right-of-way record was filed on 12/27/2002 with the Office Of Clerk To Circuit Court in Db.4839; Pg. 216,
with a width of Variable
Right-of-way record was filed on 5/8/2002 with the Office Of Clerk To Circuit Court in Db.4519; Pg. 47,
with a width of Variable

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.C.9. REQUEST PERMISSION FROM CHRISTOPHER S. LEITCH AND
MICHELLE D. LEITCH FOR AN ASPHALT DRIVEWAY AND A
WOODEN RETAINING WALL TO ENCROACH WITHIN A SIXTEEN-
FOOT DRAINAGE EASEMENT ACROSS LOT 14, BAYHILL POINTE,
SECTION 13**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Christopher S. Leitch and Michelle D. Leitch for permission for an asphalt driveway and a wooden retaining wall to encroach within a 16-foot drainage easement across Lot 14, Bayhill Pointe, Section 13, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.C.11. APPROVAL OF FUNDS FOR THE INDUSTRIAL DEVELOPMENT
AUTHORITY TO FUND THE ACQUISITION OF NINE ACRES
FOR THE EXTENSION OF MEADOWVILLE ROAD AND THE
MEADOWVILLE TECHNOLOGY PARK AND AUTHORIZE THE
TRANSFER OF FUNDS FROM THE INDUSTRIAL ACCESS ROAD
ACCOUNT**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized \$123,029 to be used by the Industrial Development Authority for the acquisition of approximately nine acres at

the Meadowville Technology Park from H. Gordon Peters and authorized the transfer of \$50,000 from the Industrial Access Road Account.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

The following item was removed from the Consent Agenda for Board discussion:

8.C.2.b. TO CONSIDER ADOPTION OF AMENDMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE

Mr. Barber requested that staff provide the Board with maps showing the the impact of the proposed ordinance amendments on usable property in the county prior to setting a date for the public hearing.

Mrs. Salvati stated developers have expressed concerns regarding the number of streams that would be determined as perennial. She further stated mapping of these streams would require the Water Quality Office staff to physically visit all of the streams in the county and determine whether they are constantly flowing, indicating that this would take approximately two years.

Mr. Barber stated he has economic development concerns regarding the proposed ordinance amendments, particularly in the Route 288 Corridor, indicating he does not know how the amendments will affect the development of tracts of land in this area.

When asked, Ms. Salvati stated that Chesapeake Bay Local Assistance Department extended the time period for adoption of the ordinance amendments by the Board from March 2003 until December 2003 because the development community wanted the development of a protocol for perenniality determinations.

Mr. Ramsey suggested that staff provide answers to the issues raised at the February 11, 2004 meeting.

Mr. Miller expressed concerns that he has not had an opportunity to review the ordinance amendments in detail.

Mr. Ramsey reminded the Board that the amendments have been mandated by the state.

Ms. Salvati stated specific guidance was adopted by the Chesapeake Bay Local Assistance Department regarding perenniality determinations for localities. She further stated the development community strongly recommended these guidelines so that each locality did not have its own process for determining perenniality.

Mr. Miller expressed concerns relative to the complexity of the ordinance amendments and the impact of these amendments on private property rights.

Discussion ensued relative to any consequences the county might face if the ordinance amendments are not adopted by a certain date.

Ms. Salvati stated a work session can be held to provide the Board with details regarding implementation of the proposed ordinance amendments.

Mr. Ramsey stated a work session will be scheduled for February 11, 2004.

Mr. Barber stated, although he appreciates discussion with members of the development community, he is more concerned with the impact of the ordinance amendments on economic development in the county than the development community's concerns.

Mrs. Humphrey expressed concerns relative to the impact of the ordinance amendments on the Meadowville Tract and the new proposed Cosby Road school site.

When asked, Ms. Salvati stated staff recommends that the Planning Commission hear requests for exceptions to the proposed ordinance amendments from landowners.

Mr. Warren stated he supports a work session.

When asked, Ms. Salvati stated only a small percentage of localities in the state have adopted the required ordinance amendments.

Mr. Warren expressed concerns relative to the cost of implementing the ordinance amendments.

Mr. Miller expressed concerns relative to the ordinance amendments taking away the rights of property owners.

Mr. King expressed concerns relative to the impact of the ordinance amendments on infill development and to the determination of perennial streams.

Ms. Salvati stated there is a provision for the Environmental Engineer to grant exceptions to encroachments in Resource Protection Areas in infill areas. She further stated state regulations stipulate that localities must either conduct or ensure that a perenniality determination is made at the time of site plan approval, and noted a protocol has been developed for perenniality determination.

Mr. King stated he supports the work session because he believes he needs to be further educated on the issue.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board deferred setting a public hearing date to consider adoption of amendments to the Chesapeake Bay Preservation Ordinance, and requested that a work session be held regarding the proposed ordinance amendments on February 11, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Warren requested that Ms. Salvati provide details during the work session of the special interest groups that supported the amendments at the General Assembly.

The following items were removed from the Consent Agenda for public comment:

8.C.10. EXECUTE THE SPECIAL PROJECT SERVICE AGREEMENT FIRST ADDENDUM FOR RESIDENTIAL RECYCLING SERVICES WITH THE CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY (CVWMA) TO EXTEND THE CONTRACT WITH TIDEWATER FIBRE CORPORATION FOR RESIDENTIAL RECYCLING SERVICES FOR CHESTERFIELD COUNTY THROUGH JUNE 30, 2009

Mr. Frank Leimberger expressed concerns relative to trash being dropped along Old Stage Road by Tidewater Fibre. He stated there is no fence on three sides of Tidewater's property to keep paper and plastic from blowing all over the area. He further stated the earth berms that were a part of the zoning conditions have never been planted. He stated he does not consider Tidewater Fibre a good neighbor and provided the Board with photographs depicting the unsightliness of the Tidewater Fibre property.

Mr. Henry Moore, representing himself as well as Mr. C. L. "Sonny" Currin, who operates a business across from Tidewater Fibre, expressed concerns relative to the unsightly conditions of the Tidewater Fibre property. He stated he believes the county should oversee Tidewater's operations.

Mr. G. E. Henderson expressed concerns relative to the appearance of the Old Stage Road area and the impression it will leave on visitors traveling to Henricus Park.

In response to Mr. King's questions, Mr. Leimberger stated people who attended the Board meeting when the Tidewater Fibre zoning request was approved were concerned with the potential for the unsightly appearance of that type of business on the corridor. He further stated the photographs he presented to the Board are similar to the ones of Tidewater's Chesapeake facility that he presented to the Board at the previous public hearing.

Mr. King stated staff has indicated they have not received any complaints regarding trash or problems at the Tidewater Fibre site.

Mr. Leimberger stated he thought about contacting the county regarding the issue, but did not believe anything would be done.

When asked, Mr. Leimberger stated he has observed newspapers, milk containers and other types of recycle trash along Old Stage Road since the business opened.

Mr. King expressed concerns relative to the effectiveness of the berms.

Mr. Jacobson stated there was one complaint about a year ago relative to litter and the condition of the berm, and Tidewater Fibre was required to comply with the ordinance at that time.

Mr. King expressed concerns relative to the trash that can be observed on Tidewater's property and directed staff to determine whether the corporation is in compliance with zoning conditions.

Mr. Ramsey assured Mr. King that staff would ensure that the corporation is in compliance with zoning conditions.

Discussion ensued relative to deferring the issue until staff can provide the Board with information regarding Tidewater's compliance with zoning conditions.

On motion of Mr. King, seconded by Mr. Warren, the Board deferred consideration of the Special Project Service Agreement First Addendum with the Central Virginia Waste Management Authority (CVWMA) to extend the contract with Tidewater Fibre Corporation for residential recycling services until March 24, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.C.12. TRANSFER OF FUNDS TO BERMUDA DISTRICT IMPROVEMENT FUND

Mr. George Beadles suggested that half of the funding for the District Improvement Funds be appropriated in July and the other half in January so that supervisors who are not re-elected cannot deplete the fund for their district before their term ends.

After brief discussion, on motion of Mrs. Humphrey, seconded by Mr. Barber, the Board transferred \$5,000 each from the Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds (total of \$20,000) to the Bermuda District Improvement Fund.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. King expressed appreciation, on behalf of Bermuda District citizens, to the Board members for sharing their District Improvement Funds with him.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON THE DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. REPORT ON ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the following reports: a Report on Developer Water and Sewer Contracts; a Report on the Status of the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and a Report on Roads Accepted into the State Secondary System, as follows:

<u>ADDITION</u>	<u>LENGTH</u>
<u>AMSTEL BLUFF, SECTION F</u> (Effective 12/19/03)	
Creekbluff Ridge Drive (Route 5601) - From Swiftrock Ridge Drive (Route 4553) to Cul-de-sac	0.09 Mi
Creebbluff Ridge Drive (Route 5601) - From Swiftrock Ridge Drive (Route 4553) to Cul-de-sac	0.04 Mi
Swiftrock Ridge Drive (Route 4553) - From Swiftrock Ridge Place (Route 4555) to Creekbluff Ridge Drive (Route 5601)	0.07 Mi
Swiftrock Ridge Terrace (Route 5600) - From Swiftrock Ridge Drive (Route 4553) to Cul-de-sac	0.15 Mi
<u>CHESTER VILLAGE GREEN ACCESS ROADS</u> (Effective 12/22/03)	
Centre Street (Route 1513) - From 0.14 mile north of West Hundred Road (Route 10) to Fountain Square Plaza (Route 5618)	0.04 Mi
Centre Street (Route 1513) - From Fountain Square Plaza (Route 5618) to Fountain Square Way (Route 5619)	0.05 Mi
Centre Street (Route 1513) - From Fountain Square Way (Route 5619) to Chester Village Drive (Route 5617)	0.05 Mi
Chester Village Drive (Route 5617) - From Fountain Square Plaza (Route 5618) to Centre Street (Route 1513)	0.07 Mi
Chester Village Drive (Route 5617) - From 0.10 mile west of West Hundred Road (Route 10) to Fountain Square Plaza (Route 5618)	0.05 Mi
Chester Village Drive (Route 5617) - From Centre Street (Route 1513) to 0.06 mile north of Centre Street (Route 1513)	0.06 Mi
Chester Village Drive (Route 5617) - From West Hundred Road (Route 10) to 0.10 mile west of West Hundred Road (Route 10)	0.10 Mi
Fountain Square Plaza (Route 5618) - From Fountain Square Way (Route 5619) to Chester Village Drive (Route 5617)	0.04 Mi
Fountain Square Plaza (Route 5618) - From Centre Street (Route 1513) to Fountain Square Way (Route 5619)	0.02 Mi
Fountain Square Way (Route 5619) - From Fountain Square Plaza (Route 5618) to Centre Street (Route 1513)	0.03 Mi

CLOVERHILL ESTATES
(Effective 12/19/03)

Ashbrook Parkway (Route 4202) - From Hancock Farm Lane (Route 5537) to Winterpock Road (Route 621)	0.25 Mi
Ashbrook Parkway (Route 4202) - From Ashlake Parkway (Route 4200) to Hancock Farm Lane (Route 5537)	0.28 Mi
Clover Ridge Lane (Route 5544) - From Hancock Farm Lane (Route 5537) to Clover Ridge Place (Route 5545)	0.11 Mi
Clover Ridge Lane (Route 5544) - From Clover Ridge Place (Route 5545) to Cul-de-sac	0.11 Mi
Clover Ridge Place (Route 5545) - From Clover Ridge Lane (Route 5544) to Cul-de-sac	0.06 Mi
Hancock Farm Lane (Route 5537) - From Summer Gate Court (Route 5543) to Hancock Ridge Court (Route 5538)	0.09 Mi
Hancock Farm Lane (Route 5537) - From Ashbrook Parkway (Route 4202) to Hancock Farm Place (Route 5539)	0.04 Mi
Hancock Farm Lane (Route 5537) - From Hancock Farm Place (Route 5539) to Rolling Fields Lane (Route 5540)	0.07 Mi
Hancock Farm Lane (Route 5537) - From Clover Ridge Lane (Route 5544) to Summer Gate Court (Route 5543)	0.06 Mi
Hancock Farm Lane (Route 5537) - From Mount Holly Lane (Route 5542) to Cul-de-sac	0.15 Mi
Hancock Farm Lane (Route 5537) - From Rolling Fields Lane (Route 5540) to Clover Ridge Lane (Route 5544)	0.10 Mi
Hancock Farm Lane (Route 5537) - From Hancock Ridge Court (Route 5538) to Mount Holly Lane (Route 5542)	0.11 Mi
Hancock Farm Place (Route 5539) - From Hancock Farm Lane (Route 5537) to Cul-de-sac	0.06 Mi
Hancock Ridge Court (Route 5538) - From Hancock Farm Lane (Route 5537) to Cul-de-sac	0.06 Mi
Mount Holly Lane (Route 5542) - From Rolling Fields Lane (Route 5540) to Cul-de-sac	0.06 Mi
Mount Holly Lane (Route 5542) - From Hancock Farm Lane (Route 5537) to Rolling Fields Lane (Route 5540)	0.13 Mi
Rolling Fields Lane (Route 5540) - From Hancock Farm Lane (Route 5537) to Rolling Fields Place (Route 5541)	0.06 Mi

Rolling Fields Lane (Route 5540) - From Rolling Fields Place (Route 5541) to Mount Holly Lane (Route 5542)	0.08 Mi
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Rolling Fields Place (Route 5541) - From Rolling Fields Lane (Route 5540) to Cul-de-sac	0.06 Mi
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Summer Gate Court (Route 5543) - From Hancock Farm Lane (Route 5537) to Cul-de-sac	0.04 Mi
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FARMVIEW ESTATES
(Effective 12/19/03)

Talleywood Court (Route 4286) - From Talleywood Lane (Route 4285) to Cul-de-sac	0.14 Mi
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Talleywood Lane (Route 4285) - From Talleywood Court (Route 4286) to Cul-de-sac	0.18 Mi
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Talleywood Lane (Route 4285) - From Happy Hill Road (Route 619) to Talleywood Court (Route 4286)	0.39 Mi
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PLEASANT DALE, SECTION B
(Effective 12/19/03)

Poinsetta Court (Route 5624) - From Poinsetta Drive (Route 5623) to Cul-de-sac	0.07 Mi
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Poinsetta Drive (Route 5623) - From West Grove Avenue (Route 1527) to Poinsetta Court (Route 5624)	0.06 Mi
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Poinsetta Drive (Route 5623) - From Poinsetta Court (Route 5624) to Cul-de-sac	0.06 Mi
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RIVERS TRACE, SECTION B
(Effective 12/22/03)

Corte Castle Court (Route 5562) - From Corte Castle Road (Route 4757) to Cul-de-sac	0.12 Mi
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Corte Castle Road (Route 4757) - From 0.25 mile west of Pypers Pointe Drive (Route 4756) to Corte Castle Court (Route 5562)	0.09 Mi
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Corte Castle Road (Route 4757) - From Corte Castle Court (Route 5562) to 0.24 mile west of Corte Castle Court (Route 5562)	0.24 Mi
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RIVERS TRACE, SECTION C
(Effective 12/22/03)

Corte Castle Place (Route 5563) - From Corte Castle Road (Route 4757) to Cul-de-sac	0.09 Mi
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Corte Castle Road (Route 4757) - From 0.31 mile west of Corte Castle Court (Route 5562) to Corte Castle Place (Route 5563)	0.07 Mi
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Corte Castle Road (Route 4757) - From Corte Castle Place (Route 5563) to 0.03 mile west of Corte Castle Place (Route 5563)	0.03 Mi
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Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

10.C. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7)
CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION
WITH LEGAL COUNSEL PERTAINING TO ACTUAL LITIGATION
IN THE CASE OF AMANDA PADULA WILSON, ET AL. V. BOARD
OF SUPERVISORS OF CHESTERFIELD COUNTY

On motion of Mr. Barber, seconded by Mr. Warren, the Board went into Closed Session pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, for consultation with legal counsel pertaining to actual litigation in the case of Amanda Padula Wilson, et al. v. Board of Supervisors of Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

On motion of the Mr. Barber, seconded by Mrs. Humphrey, the following resolution was adopted:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.
Mr. King: Aye.
Mrs. Humphrey: Aye.
Mr. Barber: Aye.
Mr. Miller: Aye.

11. DINNER

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Mr. King gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Mr. Harmon led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

There were no resolutions or special recognitions at this time.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

04SN0135

In Matoaca Magisterial District, CENTEX HOMES - SO. VA requests amendment to Conditional Use Planned Development (Case 87S134) and amendment of zoning district map to permit residential townhouse use in Community Business (C-3) and Corporate Office (O-2) Districts. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 45.3 acres lying approximately 400 feet off the south line of Hull Street Road, measured from a point approximately 1,200 feet east of Mockingbird Lane. Tax ID 732-674-3945 (Sheet 16).

Mr. Jacobson presented a summary of Case 04SN0135 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Upper Swift Creek Plan.

Mr. Steve Miller, representing the applicant, stated the recommendation is acceptable.

No one came forward to speak to the request.

Mrs. Humphrey requested that staff correct the spelling of "Craig Rath Boulevard" on the plat attached to staff's request analysis.

Mrs. Humphrey then made a motion, seconded by Mr. Barber, for the Board to approve Case 04SN0135 subject to the following conditions:

1. In addition to those uses permitted by the Textual Statement Item II.B.3. of Case 87S134, Residential Townhouse (R-TH) development shall be permitted in accordance with the requirements of the Zoning Ordinance

for Residential Townhouse (R-TH) Districts. (P)

(Note: This condition amends Textual Statement Item II.B.3. of Case 87S134 for the subject property.)

2. The developer shall address the Chesapeake Bay Preservation Act (CBPA) requirements for this site independent of the overall Villages at Swift Creek CBPA plan. (EE)

And, further, the Board accepted the following proffered conditions:

1. All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to state standards and taken into the state system. This condition may be modified by the Transportation Department if it is determined that the roads or any part of such roads cannot be designed for state acceptance. For any roads which accommodate general traffic circulation through the development that are not to be a part of the state system, a plan that insures the continual maintenance of the private streets shall be submitted to, and approved by, the Transportation Department. This condition shall not apply to developments such as apartments, which do not have individual lots or units for sale. (T)
2. With respect to the density of the subject property, the reference to multifamily uses in Proffered Condition 9 of Case 00SN0280 shall include townhouse units as well. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0139

In Midlothian Magisterial District, CARLA NELMS requests amendment to Conditional Use Planned Development (Case 83S141) and amendment of zoning district map to permit a photography studio in a Corporate Office (O-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village fringe area use. This request lies on 0.9 acre fronting approximately 215 feet on the south line of the terminus of Village Mill Drive approximately 600 feet south of Midlothian Turnpike. Tax ID 727-707-2672 (Sheet 5).

Mr. Jacobson presented a summary of Case 04SN0139 and stated the Planning Commission and staff recommend approval subject to one condition.

Ms. Carla Nelms stated the recommendation is acceptable.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. King, the Board approved Case 04SN0139 subject to the following condition:

Photography studio use shall be permitted. (P)

(Note: This use is in addition to uses permitted with Case 83S141.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0142

In Midlothian Magisterial District, HUGUENOT ROBIOUS ASSOCIATES, LC requests amendment to Conditional Use Planned Development (Case 01SN0255) and amendment of zoning district map relative to landscaping. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 1.9 acres fronting approximately 550 feet on the south line of the Norfolk Southern Railroad right of way approximately 450 feet west of Cranbeck Road. Tax ID 741-715-Part of 9831 (Sheet 2).

Mr. Jacobson presented a summary of Case 04SN0142 and stated the Planning Commission recommends approval subject to one condition.

Mr. Jerry Levy, representing the applicant, stated the recommendation is acceptable.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. King, the Board approved Case 04SN0142 subject to the following condition:

Additional Landscaping. Within the required setback for the rear boundary adjacent to Chesterfield County Tax IDs 741-714-8181, 742-715-5206, 742-715-5956, 742-715-6245 and 742-715-6432, the Developer will provide Perimeter landscaping B (option II). (P)

(Note: This condition supersedes Condition 12 of Case 01SN0255.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0165

In Matoaca Magisterial District, STAR COAL COMPANY, INCORPORATED requests amendment to Conditional Use Planned Development (Case 88S015) and amendment of zoning district map relative to road improvements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. This request lies in a Corporate Office (O-2) District on 67.8 acres fronting approximately 1,100 feet on the west line of Charter Colony Parkway, also fronting approximately 2,400 feet on the north line of Old Hundred Road and located in the northwest quadrant of the intersection of these roads. Tax ID 726-693-8112 (Sheet 9).

Mr. Jacobson presented a summary of Case 04SN0165 and stated the Planning Commission and staff recommend approval and acceptance of the proffered condition.

Ms. Ramona Sein, representing the applicant, stated the recommendation is acceptable.

No one came forward to speak to the request.

Mrs. Humphrey made a motion, seconded by Mr. Barber, for the Board to approve Case 04SN0165 and accept the proffered conditions.

In response to Mr. Barber's question, Mr. McCracken stated he feels the proposed interchange design will be more efficient than the original one.

Mr. Miller called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Barber, for the Board to approve Case 04SN0165 and accept the following proffered conditions:

Star Coal Company, Incorporated (the "Developer"), pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the parcel known as Chesterfield County Tax Identification Number 726-693-8112 (the "Property") under consideration will be developed according to the following proffers if, and only if, the request to amend case 88S015 by deleting Condition 25 is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect. If the zoning amendment is granted, these proffers will operate in addition to the conditions existing on the Property.

1. The Developer shall be responsible for the following road improvements if, and only if, these road improvements have not been provided by others; and studies of the traffic anticipated to be generated by development on the Property demonstrate that such road improvements are necessary, as determined by the Transportation Department.
 - a. Construction of two (2) additional lanes along Charter Colony Parkway (i.e., a four (4) lane facility) from the Site Road intersection south to Powhite Parkway.
 - b. Additional pavement along Charter Colony Parkway to provide left- and right-turn lanes.
 - c. Construction of two (2) lanes (to make an ultimate four (4) lane facility) on Brandermill Parkway Extended from Powhite Parkway/Old Hundred Road to the northern property line.
 - d. Construction of elements for the Powhite Parkway/Charter Colony Parkway interchange to provide the following movements:

- i. From westbound Powhite Parkway onto northbound Charter Colony Parkway,
 - ii. From southbound Charter Colony Parkway onto eastbound Powhite Parkway,
 - iii. From eastbound Powhite Parkway onto southbound Charter Colony Parkway and
 - iv. The necessary right of way to accommodate these improvements.
- e. If warranted, full cost of signalization at the Site Road/Brandermill Parkway Extended intersection, and one-half the cost of signalization at both the Site Road/Charter Colony Parkway, and Powhite Parkway/Brandermill Parkway Extended intersections. (T)
2. Alternate road improvements, as requested by the Developer and approved by the Director of Transportation, which will provide acceptable levels of service as determined by the Transportation Department, may be substituted for the improvements identified in Proffered Condition 1. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0168

In Clover Hill Magisterial District, THE RESTAURANT CO. requests amendment of Conditional Use (Case 97SN0223) and amendment of zoning district map to permit exceptions to signage requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Community Business (C-3) District on 3.0 acres fronting approximately 370 feet on the north line of Hull Street Road, also fronting approximately 350 feet on the east line of Bayside Lane and located in the northeast quadrant of the intersection of these roads. Tax IDs 728-674-Part of 8705 and 729-674-Part of 0215 (Sheet 15).

Mr. Jacobson presented a summary of Case 04SN0168 and stated the Planning Commission recommended approval and acceptance of the proffered conditions.

Mr. Walt Gard, representing the applicant, stated the recommendation is acceptable.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. King, the Board approved Case 04SN0168 and accepted the following proffered conditions:

1. With the exception of an Arby's Restaurant, all building mounted signs shall be white in color and have a maximum logo square footage of one and one-fifth the building mounted letter height. All building mounted signage for

an Arby's Restaurant shall be either white or red in color and shall have a maximum logo square footage one and one-fifth the building mounted letter height. (P)

(Staff Note: This proffered condition supersedes Proffered Condition 8 of Case 97SN0223. Except as stated herein, signs must conform to the requirements of the Zoning Ordinance.)

2. Prior to the issuance of any sign permit, the Planning Department shall be provided with documentation of the Brandermill Community Association's Architectural Review Board's approval of such sign(s). (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16. PUBLIC HEARINGS

There were no public hearings at this time.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

03SN0200

In Matoaca Magisterial District, ROCK VIEW HOMES, INC. requests rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 157.6 acres fronting in two (2) places for a total of approximately 550 feet on the west line of Otterdale Road, approximately 600 feet south of Broadmoore Road. Tax IDs 707-682-4055, 708-681-7138 and 708-683-1628 and 6612 (Sheets 8, 9, 14 and 15).

Mr. Jacobson presented a summary of Case 03SN0200 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Upper Swift Creek Plan. He stated staff and the Planning Commission support the internally located commercial services in the proposal. He further stated staff has prepared an addendum to include an additional proffered condition providing a timing mechanism for the construction of houses by limiting the number of building permits that can be issued annually.

Discussion ensued relative to the impact of the proposed development on schools.

Mr. John Easter, representing the applicant, stated the applicant will construct an east-west arterial road from Otterdale Road across the subject property as well as widen Otterdale Road in front of the property. He further stated the applicant has offered a full cash proffer of \$2.8 million. He stated the applicant will construct temporary

sediment basins to address increased phosphorous levels in the reservoir as a result of the proposed development until the regional BMP plan is completed. He stated the applicant has provided an additional proffered condition that will limit the number of homes that can be constructed annually over a seven-year period.

Mr. Barber noted the new high school is scheduled to open in 2006, so the only school capacity issue will be at the middle school level.

Mr. Easter stated the developer is required by state law to deal with the impact of the proposed development, but not expected to deal with existing school capacity issues. He further stated he believes the developer has met this obligation with both the cash proffer and the phasing proffer.

Mr. Warren commended Mr. Easter for adding the additional proffered condition relative to phasing of development. He stressed the importance of protecting the Swift Creek Reservoir and inquired whether staff supports the proposed temporary sediment basins.

Mr. Easter stated staff was not opposed to the proffered condition providing for temporary sediment basins.

Mr. Daniel Hubbard, a resident of Otterdale Road, expressed concerns relative to flooding of Otterdale Road at Horsepen Creek. He stated his son had to walk home after the school bus dropped him off at Broadmoor Road because it could not get through the flooding. He further stated he does not feel the bridges at Summer Lake and Black Creek can support the construction traffic. He expressed concerns relative to sewer runoff from the proposed development into Horsepen Creek. He stated he believes Otterdale Road is the most dangerous road in the county, and he thinks road improvements should be made prior to developing the subject property. He requested that the Board deny the request until some of the road improvements have been made.

Ms. Marleen Durfee referenced a letter sent to the Board by the Task Force for Responsible Growth requesting that all Agricultural rezoning cases be deferred until the Upper Swift Creek Plan has been revised and approved by the Board. She stated the Board must address the critical issues surrounding growth, including health, public safety and welfare issues as well as providing adequate infrastructure. She expressed concerns that the county's growth policies have relied more on residential development than focusing on increased commercial development or a balance between the two. She stated she thinks the county should expand upon conservation and preservation of land. She expressed concerns relative to school capacity issues in the area of the proposed development and stated Otterdale Road is one of the most dangerous roads in the county. She requested that the Board take a pause and allow for revision of the Upper Swift Creek Plan before approving any more rezoning requests for residential development.

In response to Mr. Warren's question, Ms. Durfee stated the Task Force does not want to stop development. She further stated the goals of the task force are to update plans, look

at ways to improve the system, and work with the county regarding how development should occur.

Mr. Warren expressed concerns that the Board has already decided updating the Upper Swift Creek Plan is a number one priority, yet it is acting on an outdated plan.

Ms. Durfee stated state law suggests that plans be revised every five years and expressed concerns that the Thoroughfare Plan has not been updated since 1989. She further stated she has been hearing about school and road issues since moving to the county in 1986 and does not want to see this continue.

Mr. David Webb, a resident of FoxFire, requested that the Board defer the request for one year until the Upper Swift Creek Plan has been updated. He expressed concerns relative to the financial impact rapid residential growth is having on the residents of the county because the current cash proffer system does not cover the full cost of the necessary infrastructure. He requested that the Board deny or defer all rezoning requests for residential lots in the Upper Swift Creek area until the plan is updated or one year; place the highest priority on updating and approving the plan by the end of 2004; request staff to update annually the estimated amount for full recovery of infrastructure costs; and adopt an ordinance requiring that once a rezoning request has been approved from Agricultural to Residential development, substantial construction must begin within five years or the applicant must return to the Board with another rezoning request.

Mr. Tom Pakurar, representing Hands Across the Lake, stated he agrees with the county's objective of protecting the Swift Creek Reservoir as a drinking source and appreciates the applicant's proffered condition to provide extra measures to slow down pollution into the reservoir. He expressed concerns that the existing legal and environmental controls are not working for the finely divided clays in the Upper Swift Creek area. He stated the proposed development will contribute an additional 7,000 pounds of phosphorous to its load. He stressed the importance of addressing additional measures to protect the reservoir and its water source while updating the Upper Swift Creek Plan. He expressed concerns that the Virginia Department of Transportation has no money in its long-range plans to improve secondary roads in the county, and referenced a recent rezoning request that was approved on Otterdale Road where \$1 million in road proffers was earmarked for the expansion of Hull Street Road rather than improvements on Otterdale Road. He stated citizens realize growth is going to occur, but their objection is the lack of infrastructure to accommodate the growth. He requested that the Board deny or delay the request until the plan begins to take shape to manage the growth.

Mr. Steve Kesler, a resident of Otterdale Road, stated the developer has satisfied all of the issues he raised. He further stated although Horsepen Creek does flood, his children have never been dropped off by the school bus anywhere other than his home. He stated he supports the proposed development and commended the developer on his cooperative attitude.

Ms. Barbara Barrett, a resident of Genito Road, requested that the Board not delay approval of the request because the property owners need to sell their property.

Mr. Lee Thompson, a resident of Hunters Ridge Subdivision, stated he appreciates the fine amenities in Chesterfield County after living in a small rural area. He further stated driver errors cause accidents rather than dangerous roads. He stated he completely supported the proposed development and requested the Board's approval.

Mr. Levis Crump stated he feels the residents need to accept growth. He further stated the developer has agreed not to ask for any building permits until January 2005, which would satisfy the residents' request to delay to request for one year. He stated, as administrator of his sister's estate, he has had to borrow over \$200,000 to pay inheritance taxes on the subject property, and he must sell the property to settle the estate.

Mrs. Humphrey noted that Mr. Crump was one of the visionary members of the School Board in the 1960's.

Mr. Crump stated there was school overcrowding when he served on the School Board and there will always be problems with school overcrowding.

Mr. Shields Jett, representing the property owners, stated the decision to sell a tract of land is not an easy one, and in most cases is done because of financial reasons. He further stated the family needs the sale to go through immediately. He stated the proposal conforms to the Upper Swift Creek Plan and the developer has addressed all of the county's concerns. He requested that the Board not delay its decision. He recognized several people from Mount Herman Baptist Church and the community who stood in support of the request.

Ms. Kathy Kirk, a resident of Foxfire, stated she does not have a problem with the family trying to settle the estate and can appreciate them trying to get the best value for the land. She further stated the family's profit from the sale of the land is not more important than the education her child might receive because of approval of the proposed development before the Upper Swift Creek Plan is revised. She requested that the Board not put a value on the land that is higher than the value of her son's education.

Mr. Marvin Grimsley, a resident of Broadmoor Road, expressed concerns relative to flooding of Horsepen Creek every time it rains. He further stated, on one occasion, he had to pull a lady out of her car when trapped by the flooding. He expressed further concerns relative to the condition of Otterdale Road where the entrance is proposed for the development and stated he does not believe Otterdale Road can support additional traffic.

Mr. Charles Payne, a property owner on Genito Road, stated he finds it hypocritical that people found the Upper Swift Creek area a lovely place to live, but do not want others to enjoy it. He further stated he cannot deny others the same pleasure he has enjoyed living in the area and requested the Board's approval.

Mr. Easter stated the location of the east-west arterial was chosen because it will meet the siting standards required by VDOT. He further stated only a small portion of the subject property drains in the direction of Horsepen Creek. He stated developers are required to drain to an adequate channel, retain the water on-site, or place a larger pipe underground. He further stated the phosphorous level in the reservoir has remained consistently in the .02 to .03 range for the past ten years. He stated the Upper Swift Creek Plan was just amended two or three years ago and the density for the reservoir was lowered to 2.0 units per acre specifically to address phosphorous level. He further stated the applicant has met all requirements to pay its fair share of the impact of the proposed development on the county's infrastructure. He stated staff and the Planning Commission support the request, and he hopes the Board will support it as well.

There being no one else to speak to the request, the public hearing was closed.

Mr. Barber stated the state does not allow the Board to take back zoning once it has been granted. He further stated the state is the responsible party for road building as well as a large percentage of the county's education costs, and the county cannot provide the infrastructure unless the state provides the funding. He stated there is a huge difference between approving zoning cases and the absorption rate of zoned lots in Chesterfield County. He further stated that, 12 years ago, the Board inherited a tremendous number of zoned lots, and even if the Board does not approve this request or the last ten cases in the Upper Swift Creek area, the county will still be issuing between 1,500 and 3,000 building permits annually and the rate of growth would not change. He stated the absorption rate is dictated by the economy for the most part and the fact that Chesterfield County is a great place to live with great schools. He stated the developer has agreed to provide \$9,000 per lot to address the impact of the proposed development on the county's infrastructure, which will contribute to the things the residents are requesting. He further stated the request conforms to the Upper Swift Creek Plan and he feels it is in the Board's purview to approve it.

Mr. Warren stated he feels when the Board takes a position to update a plan, it should be accomplished before additional residential development is approved. He expressed concerns relative to the rationale for deferring one case but not deferring other cases. He expressed further concerns relative to the message the Board is giving to the citizens who continue to raise concerns relative to growth issues.

Discussion ensued relative to recent correspondence from the Task Force for Responsible Growth to the Board of Supervisors.

In response to Mrs. Humphrey's question, Mr. McCracken stated rebuilding Otterdale Road will improve the road's vertical alignment.

Mrs. Humphrey requested that the School Board address the issue of Mr. Hubbard's son being dropped off at Broadmoor Road because of the flooding of Horsepen Creek.

Discussion ensued relative to what needs to be done to address the flooding of Horsepen Creek.

Mrs. Humphrey requested that Otterdale Road in the vicinity of Horsepen Creek be added to the six-year secondary road plan.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board suspended its rules at this time to allow for the additional proffered condition.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mrs. Humphrey stated inheritance tax bills are based on a jurisdiction's land use plan. She further stated the applicant has already had eight months of deferrals, offered a full cash proffer and satisfied the adjoining property owners; therefore, there is no legal reason to deny the request. She stated property rights are a fundamental given in the Commonwealth of Virginia that cannot be taken away by any government and thanked the residents for standing up for something they think is important.

Mrs. Humphrey then made a motion, seconded by Mr. Barber, for the Board to approve Case 03SN0200 and accept the proffered conditions.

Mr. King stated school overcrowding is not a new problem. He inquired whether the phosphorous level from runoff of fertilizer and turfbuilder used by residents along the Swift Creek Reservoir with no BMPs is being measured. He stated he will always defend property rights and feels that as long as developers comply with the Comprehensive Plan, the Board should approve the request. He stated he will work within the framework of the law, support property rights of individuals and try to make the right decisions. He challenged the Board to be proactive and find resolutions to the issues raised, although they have existed since he was born.

Mr. Warren expressed concerns relative to the overcrowding of Clover Hill High School and inquired at what point is the breaking point at which it becomes so overcrowded that students no longer choose to attend there. He stated he believes the Board should be consistent when it says its number one priority is revising the Upper Swift Creek Plan. He further stated all the citizens are asking for is hope, and he feels the Board should grant them additional time to approve the new Plan so that future development will meet the new standards.

Mr. King stated he feels the Board must be unified in deciding where the county is going. He inquired how many cases were denied in the Clover Hill District in the past 12 years because of growth and other issues. He stated it is not just Mr. Miller, as Chairman, who did not answer the Task Force's letter, but other Board members as well.

Mr. Miller stated people move to Chesterfield County for a variety of reasons, including quality of life and schools and he feels it is hypocritical for people to reap the benefits and then close the door to others. He stated the Board has wrestled with the growth issue and he has challenged them to move forward in a positive manner rather than debate and make counterproductive statements. He stated he will support the request because it meets every legal requirement, complies with the Plan, and provides cash proffers to address the impact of the development on infrastructure.

Mr. Miller then called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Barber, for the Board to approve Case 03SN0200 and accept the following proffered conditions:

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Limitation on Number of Dwellings. The overall number of dwellings for the entire Property shall not exceed three hundred fourteen (314) units. (P)
2. Transportation.
 - a. Dedication. In conjunction with the recordation of the initial subdivision plat or prior to any site plan approval, whichever occurs first, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County
 - (i) Forty-five (45) feet of right-of-way on the west side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to the Property; and
 - (ii) A ninety (90) foot wide right-of-way for an east/west arterial (the "East/West Arterial") from Otterdale Road to the western property line. The exact location of this right-of-way shall be approved by the Transportation Department.
 - b. Access. Direct access from the Property to Otterdale Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department, and this access from the Property shall be the East/West Arterial.

In conjunction with the recordation of the initial subdivision plat or prior to any site plan approval, whichever occurs first, an access plan for the East/west Arterial shall be submitted to

and approved by the Transportation Department. Access from the Property to the East/West Arterial shall conform to the approved access plan.

c. Road Improvements. To provide an adequate roadway system, the developer shall be responsible for the following:

(i) Construction of two (2) lanes of the East/West Arterial, based on VDOT Urban Minor Arterial Standards (50 MPH) with modifications approved by the Transportation Department, from Otterdale Road to the western property line.

(ii) Construction of the East/West Arterial intersection with Otterdale Road as a three-lane typical section (i.e., one (1) westbound lane and two (2) eastbound lanes).

(iii) Construction of additional pavement along Otterdale Road at the East/West Arterial intersection and along the East/West Arterial at approved access points to provide left and right turn lanes, if warranted based on Transportation Department standards.

(iv) Widening/improving the west side of Otterdale Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.

(v) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the right-of-way necessary for the turn lanes along Otterdale Road as identified in Proffered Condition 2(c)(iii), the developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvements that can be accommodated within available right-of-way as determined by the Transportation Department.

d. Phasing Plan. Prior to any road and drainage plan approval or prior to any site plan approval, whichever occurs first, a phasing plan for the required improvements specified in Proffered Condition 2(c) shall be submitted to, and approved by, the Transportation Department. (T)

3. Public Utilities. The public water and wastewater systems shall be used. (U)
4. Timbering. With the exception of timbering to remove dead or diseased trees which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed in accordance with The Forestry Best Management Practices for Water Quality in Virginia. (EE)
5. Cash Proffer. Prior to the time of issuance of a building permit for each new dwelling unit, the applicant, subdivider, or its assignee, shall pay to the County of Chesterfield the following amounts for infrastructure improvements within the service district for the Property:
 - a. For all residential units except those designated as age-restricted units in accordance with paragraph (b):
 - i. if payment is made prior to July 1, 2003, \$9000; or
 - ii. if payment is made after June 30, 2003, the amount approved by the Board of Supervisors, but not to exceed the \$9000 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made; or
 - b. For all residential units designated for senior housing, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the rezoning, and which are subject to the occupancy requirement that no person under 19 shall reside in such unit:
 - i. if payment is made prior to July 1, 2003, \$4815, to be allocated among the facility costs as follows: \$598 for parks, \$324 for library facilities, \$346 for fire stations, and \$3547 for roads; or
 - ii. if payment is made after June 30, 2003, the amount approved by the Board of Supervisors, but not to exceed the \$4815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made, to be allocated pro-rata among the facility costs as specified in (b)(i).

If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of

payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

6. Senior Housing. At the time of recordation of the subdivision, any dwellings designated for senior housing shall be noted on the record plat. Lots containing such dwellings shall be grouped together as part of the same development section(s). (P)
7. Textual Statement. In conjunction with the approval of this request, the textual statement dated November 5, 2003 shall be approved. (P)
8. Lot Size and Density. All residential lots having only one access and that access is through Otterdale Park Subdivision shall have an average area of not less than 108,000 square feet. Such development shall not exceed a density of .4 units per acre. (P)
9. The developer shall leave temporary sediment basins which would achieve the 0.22 phosphorus standard in place until the downstream regional BMP to which they drain has been constructed. (EE)
10. Phasing. A maximum of fifty (50) single family residential building permits shall be issued prior to January 1, 2005.
A cumulative maximum of 100 single family residential building permits shall be issued prior to January 1, 2006.
A cumulative maximum of 150 single family residential building permits shall be issued prior to January 1, 2007.
A cumulative maximum of 200 single family residential building permits shall be issued prior to January 1, 2008.
A cumulative maximum of 250 single family residential building permits shall be issued prior to January 1, 2009.
A cumulative maximum of 300 single family residential building permits shall be issued prior to January 1, 2010. (P)

Ayes: Miller, Barber, Humphrey, and King.
Nays: Warren.

Mr. Miller requested a five-minute recess.

Reconvening:

04SN0151

In Midlothian Magisterial District, CHARTER COLONY SENIOR ASSOC., L.P. requests amendment to Conditional Use Planned

Development (Case 94SN0138) and amendment of zoning district map to permit exceptions to Multifamily Residential (R-MF) District standards. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for planned transition area uses. This request lies in a Residential (R-7) District on 8.1 acres fronting approximately 700 feet on the north line of Woolridge Road, also fronting approximately 500 feet on the west line of Coalfield Road and located in the northwest quadrant of the intersection of these roads. Tax ID 726-702-Part of 9236 (Sheet 5).

Mr. Jacobson stated Mr. Barber is recommending a deferral of Case 04SN0151 until February 25, 2004.

Mr. Barber stated the neighborhood has expressed a concern, and the property owner has agreed to meet with the residents to try and resolve the issue.

Mr. Jeff Collins, representing the applicant, stated the deferral is acceptable.

No one came forward to speak to the deferral.

On motion of Mr. Barber, seconded by Mr. King, the Board deferred Case 04SN0151 until February 25, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

03SN0214 (Amended)

In Matoaca Magisterial District, JAMES M. BLALOCK requests amendment to Conditional Use Planned Development (Case 95SN0307) and amendment of zoning district map relative to uses, hours of operation and gross floor area for property known as Tract G. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Residential (R-9) District on 6.5 acres lying approximately 1,340 feet off the north line of Genito Road, measured from the intersection of Genito and Woolridge Roads. Tax ID 719-687-Part of 2732 (Sheet 9).

Mr. Jacobson presented a summary of Case 03SN0214 and stated staff recommends approval subject to conditions and acceptance of the proffered conditions. He further stated the Planning Commission recommends approval subject to the conditions and that the proffered conditions not be accepted, essentially approving everything except the car wash and limiting the number of fueling stations to six. He noted the request conforms to the Upper Swift Creek Plan. He stated staff has prepared an addendum outlining an additional proffered condition relative to style of the rooflines in response to neighborhood concerns.

Mr. James Blalock stated the proposal will not add any school children to the area; a \$3 million road has already been built; and he is merely asking for a single-bay self-contained car wash and an additional fueling pump island.

Mr. Chris McCarthy, an Edgewater resident, stated the residents of Edgewater do not feel they have received any substantive concessions from the developer. He further stated in the spirit of compromise, the residents will support the Planning Commission's recommendation to allow limited gasoline sales but not to allow the car wash. He stated the residents feel C-3 uses are inconsistent with residential development and requested that the Board support the Planning Commission's recommendation to limit the uses to C-2.

Ms. Kathy Rivera requested that the Board deny the request because it is in the middle of a neighborhood, or, at a minimum, support the Planning Commission's recommendation.

Mr. Bernard Savage stated he does not understand why the residents object to a car wash. He provided a photograph of the proposed car wash and stated the prospective buyer has indicated he has no interest in purchasing the adjoining convenience store unless a car wash is part of the package.

Ms. Jennifer McCarthy, a resident of Edgewater, stated if car washes were intended for neighborhoods, they would not be C-3 uses. She further stated the neighbors have signed a letter opposing a car wash and expressed concerns relative to decreased property values as a result of a gas station and/or car wash.

There being no one else to speak to the request, the public hearing was closed.

Mrs. Humphrey stated she feels a gas station is a useful need in the community. She expressed concerns that the applicant has submitted a proffered condition to prohibit the sale of diesel fuel and cautioned staff about accepting this type of proffer in the future and causing school buses to travel additional miles to obtain fuel. She then inquired where staff will site a car wash on the subject property.

Mr. Jacobson stated there is no mandatory location for the car wash, but staff will review the site plan to ensure that all ordinance requirements are met. He noted the neighborhood can participate in the site planning process.

Mrs. Humphrey inquired whether the proposed car wash would be similar to the one in the Southshore neighborhood.

Mr. Jacobson stated car washes are recognized in C-3 districts as a broad category, including self-service car washes with a number of bays. He further stated staff supported the proposed car wash because it was restricted to the smaller one-bay automatic car washes that tend to be much less intrusive.

Mr. Barber referenced car washes at Belgrade and the Exxon Station in Bon Air Village and noted that neither of these facilities have received complaints from area residents. He further stated convenience store/gas station/car wash packages seem to be economically feasible, indicating he is inclined to add all of the pieces necessary to provide for a positive economic potential and he will support the car wash.

Mr. Miller inquired whether the car wash complies with the Upper Swift Creek Plan.

Mr. Jacobson stated the Plan supports the concept of small-scale neighborhood types of businesses at key locations of intersections within the Upper Swift Creek area, but leaves up to the Board the interpretation of the details of uses. He further stated it is staff's opinion that the proposal meets the intent of the Plan.

Mr. Miller expressed concerns relative to differences in opinion of the Planning Commission and staff. He stated he will support whatever motion Mrs. Humphrey makes.

Mr. Warren stated he, too, feels the car wash is an integral part of the project and he will support the request because it will improve the ratio of commercial to residential development.

Mrs. Humphrey made a motion, seconded by Mr. Warren, for the Board to approve Case 03SN0214 subject to conditions, including the car wash and restricting the fueling stations to three pump islands containing a total of no more than six fueling stations.

Discussion ensued relative to the addendum regarding roofline style.

Mr. Micas stated the Board could impose the proffered condition as a condition and it would not be necessary to suspend the rules to allow for the proffered condition.

Mrs. Humphrey amended her motion, seconded by Mr. Warren, for the Board to impose the proffered condition relative to roofline style as a condition.

Mr. Miller called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Warren, for the Board to approve Case 03SN0214 subject to the following conditions:

1. Uses. In addition to those uses permitted by right or with restrictions in the Convenience Business (C-1) District, the following use shall be permitted:
 - a. Gasoline sales, excluding diesel fuel sales in conjunction with a permitted use. A maximum of three (3) pump islands containing a total of no more than six (6) fueling stations (a maximum of three (3) pumps having two (2) fueling nozzles each) shall be permitted.
 - b. Motor vehicle wash in conjunction with a permitted use, provided such use is limited to a self-service, automatic, single-bay operation (P)
2. Development Standards. Development shall conform to the requirements of the Convenience Business (C-1) Districts in Emerging Growth District Areas, except as follows:
 - a. Hours. No use shall be open to the public between 9:00 p.m. and 6:00 a.m., except for convenience store and restaurant uses which shall not be open to the public between 11:00 p.m. and 6:00 a.m.

- b. Individual Buildings. One building shall not exceed 6,500 square feet of gross floor area and shall be occupied by a child care center or office use only. Such building may be located within 200 feet of an existing residentially zoned parcel. All other buildings shall not exceed 5,000 square feet of gross floor area. (P)
3. Prior to the issuance of a building permit on the property (Tract G), Woolridge Road from Watermill Parkway to Genito Road, and Watermill Parkway from Woolridge Road to Old Hundred Road/Powwhite Parkway Extended shall be complete and ready for acceptance into the State Maintenance System as determined by the Transportation Department. (T)
4. Direct access across from the property to Fountain View Drive shall be located at the eastern property line. The exact location shall be approved by the Transportation Department. (T)
5. All rooflines shall have a gable style. (P)

(Note: These conditions supersede Condition 6 of Case 95SN0307 for the request property only. Except for Condition 6, all previous conditions and proffered conditions of Case 95SN0307 shall remain in effect.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

03SN0315

In Clover Hill Magisterial District, WILLIAM SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1) with Conditional Use to permit outside storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 35.6 acres fronting approximately 550 feet on the south line of Genito Road, approximately 600 feet east of Warbro Road and also fronting approximately 1,900 feet on the east line of Warbro Road, approximately 1,700 feet south of Genito Road. Tax IDs 736-686-8635 and 736-687-8633 (Sheet 10).

Ms. Beverly Rogers presented a summary of Case 03SN0315 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions. She noted the request conforms to the Powwhite Route 288 Development Area Plan. She stated the uses proposed by the application are generally less intense than some of the uses allowed on other properties located nearby. She further stated, as a result of neighborhood concerns, the applicant has offered two additional proffered conditions limiting the height of freestanding lights and requiring the developer to notify the last known representative of Plum Creek Subdivision of any site plan submission.

Mr. Andy Scherzer, representing the applicant, stated area residents expressed concerns relative to access to Genito Road. He further stated there is an existing crossover constructed by the Virginia Department of Transportation (VDOT) that provides an access to the subject property, and the applicant has offered proffered conditions that would

allow the existing access to be used by adjacent properties, thereby limiting future needs for driveways onto Genito Road. He further stated area residents expressed concerns relative to hours of operation, indicating that the I-1 zoning includes light industrial uses with limited activity. He requested that the Board approve the proposed development.

Ms. Goldie Jordan, a resident of Plum Creek, expressed concerns relative to the issue of access to Genito Road for the proposed development and the use of county funds to assist the developer in acquiring the off-site right of way necessary for access. She stated she does not believe it makes sense to open the access road to the proposed development because adequate ingress and egress on Warbro Road is already available.

Mr. Roy Jordan stated he feels the widening of Genito Road was an unnecessary project because no one uses it to connect to Route 288. He further stated existing businesses in the area have done well with entrances on Warbro Road, and he sees no reason for an entrance from Genito Road to the proposed development. He suggested that the county focus on improving Warbro Road rather than providing an entrance off of Genito Road into the proposed development.

Mr. Scherzer stated the proposed access from Genito Road would enable emergency vehicles to enter the development and noted there are no safety concerns with the access and it makes sense to open up this access to the proposed development as well as future development.

There being no one else to speak to the request, the public hearing was closed.

In response to Mr. Warren's questions, Mr. McCracken stated both the Planning Commission and staff support the access to the proposed development from Genito Road, indicating road improvements have been made and it is able to accommodate access to the subject property.

Mr. Warren commended Mr. McCracken upon receiving funding from VDOT to make the Genito Road improvements and stated he has received many compliments from the neighbors on Genito Road regarding the road widening.

When asked, Mr. Mccracken stated staff does not believe the proposed access will create a traffic issue or safety concerns.

Mr. Warren made a motion, seconded by Mr. King, for the Board to approve Case 03SN0315 and accept the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

3. Direct access from the property to Genito Road shall be limited to one (1) entrance/exit and access from the property to Warbro Road shall be limited to two (2) entrances/exits. The exact location of these accesses shall be approved by the Transportation Department. (T)
4. Forty-five (45) feet of right of way on the south side of Genito Road and thirty-five (35) feet of right of way on the east side of Warbro Road, measured from the centerline of those roads immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Prior to the release of the first building permit for any development with access to Genito Road, an access easement acceptable to the Transportation Department shall be recorded from Genito Road to the parcel identified as Tax ID 737-687-1924. (T)
6. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of additional pavement along Warbro Road at each approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - b. Construction of additional pavement along Genito Road at the approved access to provide a right turn lane, if warranted, based on Transportation Department standards;
 - c. Relocation of the ditch to provide an adequate shoulder along the east side of Warbro Road for the entire property frontage;
 - d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right of way that is necessary for the improvements described in Proffered Condition 6, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
7. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 6, shall be submitted to and approved by the Transportation Department. (T)
8. Outside storage shall be permitted. Outside storage areas shall be screened from any internal private roads.

Screening shall be accomplished by the use of durable opaque fences and gates constructed of masonry pillars with solid sections made of comparable materials to the principal building and using a design compatible to the principal building. (P)

(Note: This requirement is in addition to the screening requirements of the Zoning Ordinance.)

9. Freestanding business signs shall be of a monument style. (P)
10. Each building exterior (all sides) shall be constructed with a Concrete Masonry Unit (CMU), brick or metal with an Exterior Insulation Finishing System (EIFS) finish for a height of eight (8) feet measured from ground elevation (excluding openings for doors, windows or similar features). Any building exterior which faces an unscreened outside storage or loading area on an adjacent property, which faces an on-site outside storage area serving the subject building that is screened in accordance with Proffered Condition 8, or any building exterior that is deemed to be adequately screened due to, but not limited to, topography, vegetation or similar features shall not be required to be constructed of the above materials provided the architectural treatment of the side otherwise complies with the Zoning Ordinance. (P)

(Note: This requirement is in addition to the architectural requirements of the Zoning Ordinance.)

11. The following Light Industrial (I-1) uses shall not be permitted:
 - 1) Converting paper to paperboard products, paperboard containers and boxes.
 - 2) Moving companies, to include, but not limited to, households and businesses.
 - 3) Paper recycling by the compaction method.
 - 4) Recycling and processing of any material permitted to be manufactured in this district.
 - 5) Wholesale greenhouses, hot houses and nurseries provided that nothing except plant materials is stored outside of a completely enclosed building.
(P)
12. Freestanding light fixtures shall not exceed a height of twenty (20) feet measured from the top of curb. (P)
13. The developer shall be responsible for notifying the last known representative of Plum Creek Subdivision of the submission of any site plan within the development. Such notification shall occur at least twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with a copy of the notice. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0133

In Matoaca Magisterial District, GARY T. & BONNIE A. JENNINGS request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) on 29.8 acres and a Conditional Use Planned Development on 7.9 acres relative to access in an Agricultural (A) District. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and single family residential use of 2.0 units per acre or less. This request lies on 37.7 acres fronting approximately 130 feet on the south line of Hull Street Road, approximately 2,300 feet east of Baldwin Creek Road. Tax IDs 708-665-9636; 708-666-7360 and 9340; 708-667-7101 and 8937; 709-665-3176; 709-666-2039, 3731 and 4163 (Sheets 15 and 23).

Ms. Rogers presented a summary of Case 04SN0133 and stated the Transportation Department supports the relocation of the existing crossover east of the subject property on Hull Street Road to directly in front of the proposed development, indicating that the proposed crossover would allow more property owners to be served than the existing one. She further stated the Transportation Department has recommended that the request only be approved if the westernmost access to the adjacent commercial development is closed so as to provide a better separation between the access point to the subject property and the access point located immediately to the east, indicating that this will provide better separation between the relocated crossover and the adjacent commercial access. She stated the Planning Commission recommended that the crossover be relocated, if approved by VDOT, and that the developer provide access from the north-south road into the adjacent development, but did not require that the existing access be closed. She further stated staff recommended denial, indicating that, although the proposed zoning and land uses comply with the Upper Swift Creek Plan, the request fails to address transportation concerns relative to the separation of access points along Hull Street Road. She stated the Planning Commission recommended approval, indicating that the proposal does comply with the Plan and that future development would necessitate the closing of the crossover and, at that time, that adjacent business would be provided access to a crossover to the north-south roadway.

When asked, Ms. Rogers stated the existing business to the east opposes closing the second access point, and both the existing business and the adjacent property owner to the north oppose relocating the crossover. She further stated the Planning Commission believed it was appropriate to relocate the crossover and that providing access from the north-south road into the adjacent development would provide them access back to a crossover at some point. She stated there was no discussion relative to closing the second access when the connection is made.

In response to Mrs. Humphrey's questions, Mr. McCracken stated VDOT must approve relocation or closing of crossovers. He further stated VDOT typically supports the county's determinations. He noted staff tries to ensure that crossovers serve as many people as possible, rather than limiting them to one or two landowners. He stated if VDOT does not support the crossover relocation, the applicant will

be required to provide turning lanes into the development. He further stated if the crossover is relocated, the existing business will lose its access to Hull Street, but will receive a tie-in from the developer's property.

Mr. Miller inquired about safety concerns relative to accessing the proposed development.

Mr. McCracken stated staff could support the Planning Commission's recommendation because he believes future development would address any safety concerns that might arise.

Mr. Andy Scherzer, representing the applicant, stated the proposed access will serve the properties to the north and the applicant will provide a third through lane across the subject property as well as the property to the east. He further stated the applicant will construct the access to the existing development. He stated the third through lane will become a right turn lane into the existing development to the east, which he believes will ultimately help the business and compensate for the minimal change in access.

Mr. Watson Marshall, representing Old Dominion Tractor, stated Planning staff recommended denial because the county requires 500 feet between each crossover. He further stated the applicant has indicated, if the adjacent property owner will not sell the necessary land for the turn lane, the county's assistance will be necessary to acquire it. He stated he does not believe it would be right for the county to take the land of an existing development so that the proposed development can have a deceleration lane.

Mr. Mike Phillips, representing Chesterfield Short Stop, stated he does not support the request. He further stated he has owned the property for over 20 years, and the store was built in accordance with the dual-lane design of Hull Street Road. He stated his business has served the community in a safe and orderly manner for 40 years with no traffic issues. He further stated county school buses can directly cross over Hull Street to fuel at pumps designed for buses and other customers. He stated, if the crossover is moved for the new development, the safety, convenience and overall business of Chesterfield Short Stop will be adversely impacted. He noted the business has a petition with over 700 signatures stating that it is a safe and convenient place to do business, and that the crossover for westbound traffic is an asset. He requested that the Board leave the safe turn lane and crossover where it is, indicated he believes there are plenty of other options for the new development. He requested that the Board deny the request until a safe and fair plan is developed.

Ms. Mandy Wilson, a resident of Hampton Park, expressed concerns relative to the safety of children on Hampton Park Drive. She stated she feels the county should encourage the existing business to prosper. She further stated residential development needs to be strongly limited in certain areas until health, safety and welfare concerns can be addressed and requested that the Board deny the proposal.

Mr. Barber noted that defer and deny are two separate issues, and the Board cannot deny cases based on plan review. He

further noted that, unlike Henrico County, Chesterfield is dependent upon the state for funding of the road system.

Mr. Patel, manager of Chesterfield Short Stop, stated he has a petition with approximately 800 signatures indicating that the crossover for westbound traffic is an asset to the business. He further stated the crossover is a convenience for buses and dump trucks that purchase diesel fuel.

Mr. Scherzer stated the existing gas station is situated in the center of the property, and the developer is only proposing to move the crossover to the other side of the property to serve the entire quadrant. He further stated school buses and others could safely access the business through the proposed access into the side of the property. He stated the road is intended to be extended and serve all the properties east and west along and parallel to Hull Street Road and will assist with the overall health, safety and welfare of residents.

Ms. Durfee stated she feels the purpose of a public hearing is to provide the Board with information individuals feel is relevant. She requested that the Board defer this request until the Upper Swift Creek Plan has been revised.

Mr. Mike Phillips, stated the Transportation Department has indicated to him they will not support an access to the west side of Chesterfield Short Stop, Incorporated's property, which is proposed by the applicant.

Mr. Carroll Foster stated the 20-foot road being offered as access by the applicant to Mr. Phillips' property will provide a better traffic pattern. He further stated the proposed road will not impact Hampton Park, and requested that the Board approve the request.

No one else came forward to speak to the request.

Mrs. Humphrey expressed concerns that Mr. Patel's business not be impacted by the proposal.

Mr. McCracken stated he is unaware of any other options to provide to the owner of the existing business. He further stated if the proposed access road is constructed from Route 360, the existing crossover must be moved. He stated if the crossover is not moved, the conditions require that certain improvements be made, but indicated this is not staff's recommendation. He further stated he believes the proposal will serve everyone's needs in the long term.

In response to Mr. Warren's questions, Ms. Cynthia Owens-Bailey, representing the School Board, came forward and provided details relative to short-term solutions to address school overcrowding in the Upper Swift Creek area if the Board continues to approve rezoning requests for residential development.

Discussion ensued relative to the feasibility of providing a left-turn lane into the subject property rather than providing a crossover.

It was generally agreed that a 30-day deferral would allow staff time to explore the option of a left-turn lane with the property owners.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board deferred Case 04SN0133 until February 25, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

18. ADJOURNMENT

On motion of Mr. Barber, seconded by Mr. Warren, the Board adjourned at 11:23 p.m. until February 11, 2004 at 3:30 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman